

8 2 6 4 1 2 8
TX: 4221650

ORDINANCE NO. R- 2016-17
PETITIONER: EVANSVILLE TEACHERS DERAL CREDIT UNION

TAX CODES(S): 82-06-14-017-146.008-027

AN ORDINANCE TO REZONE CERTAIN REAL ESTATE IN THE CITY OF EVANSVILLE, INDIANA, MORE COMMONLY KNOWN 4401 THEATER DRIVE, EVANSVILLE, INDIANA 47715

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF EVANSVILLE, INDIANA, AS FOLLOWS, TO WIT:

Section 1: The Ordinance no. G-82-51, being the Municipal Code of the City of Evansville, Indiana, 1982, and more particularly Title XV, Chapter 153, by making certain changes in Atlas 1, which is made part of said section with respect to the following described real estate located in the City of Evansville, Vanderburgh County, State of Indiana:

See Attached Exhibit "A"


by changing the zoning classification of the above-described real estate from C-02 to C-1, and said real estate is hereby so rezoned and reclassified.

Section 2. The Director of the Area Plan Commission of Evansville and Vanderburgh County is hereby authorized and directed, upon the enactment and approval of this ordinance, to cause the change to be made on said Atlas 1 as set out in Section 1 of this Ordinance, and to make notation in ink thereon of reference to the number of this ordinance and the date of final publication of the amendatory ordinance after its passage and approval; however, failing to do so shall not invalidate this Ordinance.

Section 3. This ordinance shall be in full force and effect from and after its passage by the Common Council, its approval by the Mayor, and its publication as required by law, which publication is now ordered.

Section 4. The subject property herein rezoned shall be used and developed only in accordance with the use and development commitment which is incorporated as part of this Petition for Rezoning and recorded in the office of the Recorder of Vanderburgh County, Indiana, on JULY 22, 2016 as Instrument No.: 2016R00018855. Any improvement location permits shall be issued unless the proposed use is in compliance with said recorded use and development commitment.

Passed by the Common Council of Evansville, Indiana, on this 11 day of JULY, 2016.

ATTEST:

Gaura Windhorst
City Clerk

Mary Jo Mosley
President

Presented to me, the undersigned, City Clerk of the City of Evansville, Indiana, to the Mayor of said City, the 13 day of JULY, 2016.

Gaura Windhorst
City Clerk

Having examined the foregoing Ordinance, I do now, as Mayor of the City of Evansville, Indiana, approve said Ordinance, and return same to the City Clerk this 14th day of JULY, 2016, at 4:30 o'clock PM.

David Quisenberry
Mayor of the City of Evansville, Indiana

THIS INSTRUMENT PREPARED BY: Ted C. Ziemer IV, BINGHAM GREENEBAUM DOLL LLP, 25 N.W. Riverside Drive, Suite 100, Evansville, IN 47708, (812) 437-0200

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless it is required by law.
William Steinberger
(Name)

FILED
APR 11 2016
Gaura Windhorst
CITY CLERK

Exhibit "A"

Part of the East one Half of the Southeast Quarter of Section Fourteen (14), Township Six (6) South, Range Ten (10) West, in the City of Evansville, Vanderburgh County, Indiana, more particularly described as follows:

Beginning at a point on the West line of said half quarter Section which lies North Zero (0) Degrees One (1) Minute and Four (4) Seconds East a distance of One thousand and eighty-five hundredths (1000.85) feet from the Southwest corner thereof; thence South Eighty-nine (89) Degrees and Fifty-nine (59) Minutes East for Five hundred thirteen and ninety-six hundredths (513.96) feet; thence North Five and twenty-two hundred (5.22) feet; then North Eighty-nine (89) Degrees and Fifty-six (56) Minutes East for one and four hundredths (1.04) feet; thence North and parallel with the East line of said half quarter Section for Seven hundred eighty-six and twelve hundredths (786.12) feet to a point in the center of Theater Drive; thence North Sixty-six (66) Degrees West along said center line for Two and ninety-five hundredths (2.95) feet; thence North Sixty-eight (68) Degrees and Twenty and five tenths (20.5) Minutes West along said center line for Five hundred (500) feet; thence North Seventy (70) Degrees and Fifty-six and five tenths (56.5) Minutes West along said center line for Forty-nine and six hundredths (49.06) feet to a point on the West line of said half quarter Section; thence South Zero (0) Degrees Ten (10) Minutes and Thirty-five (35) Seconds West along said West line for Three hundred thirty-two and seventy-six hundredths (332.76) feet to an old stone on said West line; thence South Zero (0) Degrees One (1) Minute and Four (4) Seconds West along said West line for Six hundred sixty-two and fifty-five hundredths (662.55) feet to the place of beginning.

Containing Ten and sixty-one hundredths (10.61) Acres, more or less.

The above described real estate is subject to a right of way Twenty-five (25) feet wide off of the North side thereof for Theater Drive.

Subject to any legal highways, easements or rights of way.

USE AND DEVELOPMENT COMMITMENT

WHEREAS, the undersigned, Stacey Shourd, Vice-President/Chief Operating Officer of the **Evansville Teachers Federal Credit Union**, as Petitioner and the **Evansville Teachers Federal Credit Union**, as Owner, of certain real estate situated in the City of Evansville, Indiana, commonly described as 4401 Theater Drive, Evansville, Indiana, more particularly described on Exhibit "A," attached hereto and by this reference made a part hereof (the "Real Estate"); and

WHEREAS, the Real Estate is currently classified as a CO-2 zoning district under the Evansville Zoning Code and is so indicated on the zoning maps maintained by the staff of the Evansville-Vanderburgh County Area Plan Commission; and

WHEREAS, Petitioner has requested that the Real Estate be reclassified to zoning district C-1; and

WHEREAS, Petitioner is desirous of accommodating possible concerns of the surrounding property owners by making a written commitment concerning the use and development of the Real Estate pursuant to I.C. 36-7-4-613;

NOW, THEREFORE, in consideration of the foregoing, Petitioner makes the following use and development commitment concerning the use of the Real Estate:

1. Use of the **Real Estate** shall be limited to the following:

Uses currently authorized within CO-2 zoning districts, and use for professional offices and the operation of a financial institution.
2. All commitments and undertakings herein expressed shall be binding on the Petitioner and Owners and the Petitioner's and Owner's heirs, legal representatives, successors and assigns, and shall run in favor of the Area Plan Commission of Evansville-Vanderburgh County and all the Owners of the real estate lying within the radius of one (1) mile from the real estate described and shall be enforced by invoking any legal, equitable or special remedy, including specific performance, injunction or other equitable relief pursuant to the manner of enforcement as set forth in I.C. 36-7-4-613, 36-7-4-1013 and 36-7-4-1014. If it is necessary to initiate administrative or judicial proceedings to enforce any such commitment or undertaking, the person or entity obtaining enforcement in such proceedings shall also recover its reasonable attorneys' fees and costs of suit from the undersigned.
3. The commitments and undertakings herein made and expressed shall terminate, expire and be of no further force or effect if the Real Estate should be rezoned due to the filing of some subsequent petition to amend the zoning classification of the Real Estate.

IN WITNESS WHEREOF, this Use and Development Commitment is hereby made and entered into this 11 day of April, 2016, by Stacey Shourd, Vice-President/Chief Operating Officer of Evansville Teachers Federal Credit Union, as Petitioner and Evansville Teachers Federal Credit Union, as Owner, for the purposes set forth herein.

Evansville Teachers Federal Credit Union

By: Stacey Shourd
Stacey Shourd, Vice-President/
Chief Operating Officer

"Petitioner"

Evansville Teachers Federal Credit Union

By: Stacey Shourd
Stacey Shourd, Vice-President/
Chief Operating Officer

"Owner"

RECEIVED

JUN 01 2016

AREA PLAN COMMISSION

STATE OF INDIANA)
)SS:
COUNTY OF VANDERBURGH)

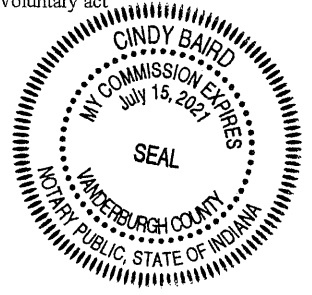
Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the above-named Stacey Shourd, Vice-President/Chief Operating Officer of the Evansville Teachers Federal Credit Union, who acknowledged the execution of the foregoing Use and Development Commitment to be her free and voluntary act and deed for and on behalf of said credit union.

WITNESS my hand and Notarial Seal this 11th day of April, 2016.
Cindy Baird
Notary Public

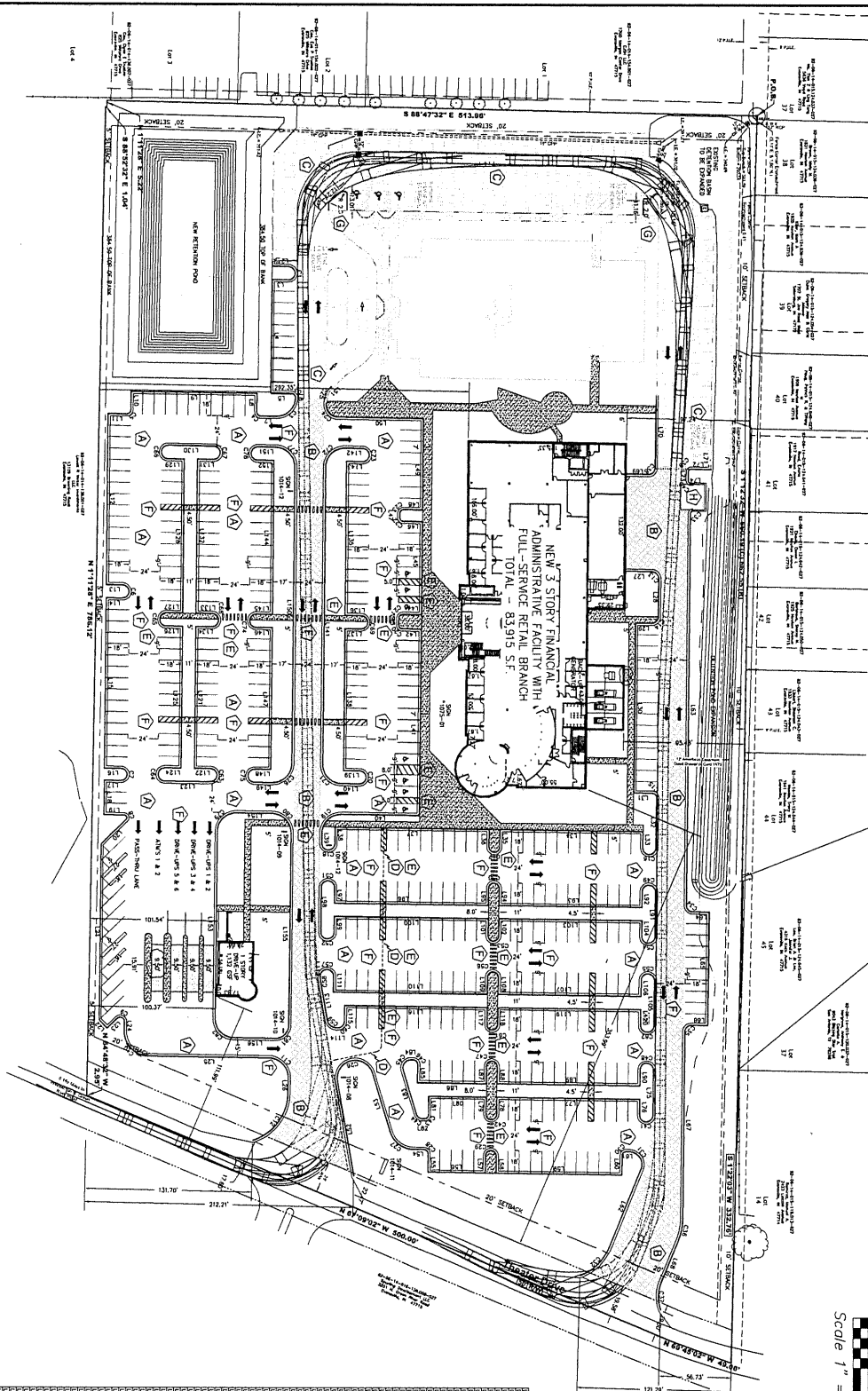
Cindy Baird
Printed Signature

County of Residence:
Vanderburgh

My Commission Expires:
July 15, 2021



This instrument prepared by: Ted C. Ziemer IV, BINGHAM GREENEBAUM DOLL LLP, 25
N.W. Riverside Drive, Suite 100, Evansville, IN 47708,
Telephone: 812-437-0200



Scale 1" = 40'

GENERAL NOTES:

- [illegible]

CONSTRUCTION NOTES:

- Ⓐ STUNNED PATIENT
- Ⓑ HEAVY DUTY PATIENT
- Ⓒ EXOTIC PATIENT TO RESUME
- Ⓓ ACCESSIBLE PATH FROM BUILDING TO SOUTH-OF-WAY (BUILDING NOT RECOVERED)
- Ⓔ FLUSH PATIENT AND TAILOR WASHING AT CARB AND PATIENT WASHING
- Ⓕ PATIENT WASHING AS REQUIRED (STRESSING, AROMA, AKA SWEETS)
- Ⓖ RECONSTRUCT CARB ISLAND FOR INDOOR TRAFFIC
- Ⓗ NEW MASK (EXPOSURE AND PAIN)

CONCRETE CURB FACE DIMENSION TABLES:

SHEET NO.:
C 2.0

DATE: 01-08-2016	DRAWN BY: JKS
PROJECT NO.: 9912	CHECKED BY: ADW
REVISIONS 01-25-16 JKS	SCALE:

HORIZONTAL LAYOUT
ETFCU
4401 THEATRE DRIVE
EVANSVILLE, IN 47715



ANDY EASLEY ENGINEERING, INC.
CIVIL ENGINEERING (812) 424-2481 LAND SURVEYING
1133 WEST MILL ROAD EVANSVILLE, INDIANA 47710



ADDENDUM 3
02-12-201

PERMANENT RECORD

VERIFIED PETITION FOR REZONING

2016-15 -PC

ORDINANCE NO. R- 2016-17
COUNCIL DISTRICT: Ward 5 ELPERS

PETITIONER: Evansville Teachers Federal Credit Union PHONE: (812) 477-9271
ADDRESS: 4401 and 4405 Theater Drive, Evansville, IN ZIP CODE: 47715

OWNER OF RECORD: Evansville Teachers Federal Credit Union PHONE: (812) 477-9261
ADDRESS: 4401 and 4405 Theater Drive, Evansville, IN ZIP CODE: 47715

1. Petition is hereby made for the amendment of the "Zoning Maps" of the Area Plan Commission of Evansville and Vanderburgh County, pursuant to the Indiana Code and the Municipal Code of Evansville.
2. Premises affected are on the South side of Theater Drive a distance of approximately 800 feet (N.S.E.W.) of the corner formed by the intersection of Theater Drive and N. Green River Rd.

Registered Neighborhood Association (if applicable): NA

LEGAL DESCRIPTION: See Attached

Subdivision: _____ Block: _____ Lot No.: _____
(where applicable - if not in a subdivision, insert legal here or attach to ordinance)

3. The commonly known address is: 4401 and 4405 Theater Drive
4. The real estate is located in the Zone District designated as: C-02
5. The requested change is to (Zone District): C-1
6. Present existing land use is: financial institution and administrative offices
7. The proposed land use is: financial institution and administrative offices
8. Utilities provided: (check all that apply)
City Water: X Electric: X Gas: X Storm Sewer: X
Sewer: Private: _____ Public: _____ Septic: _____
9. All attachments are adopted by reference.
10. The owner, or attorney for the owner, hereby certifies that the owner of record shown above owns 50% or more of the area of the above described real estate. I affirm under the penalties for perjury that the foregoing representations are true.

(REQUIRED) Signatures:

DATE: 4-11-2016 PETITIONER: Stacey Shourd
(when signed) PRINTED NAME: Stacey Shourd, Senior Vice-President/Chief Operating Officer of Evansville Teachers Federal Credit Union

DATE: 4-11-2016 OWNER OF RECORD: Stacey Shourd
(when signed) PRINTED NAME: Stacey Shourd, Senior Vice-President/Chief Operating Officer of Evansville Teachers Federal Credit Union

APR 11 2016
Jana Winkler
CITY CLERK

Exhibit "A"

Part of the East one Half of the Southeast Quarter of Section Fourteen (14), Township Six (6) South, Range Ten (10) West, in the City of Evansville, Vanderburgh County, Indiana, more particularly described as follows:

Beginning at a point on the West line of said half quarter Section which lies North Zero (0) Degrees One (1) Minute and Four (4) Seconds East a distance of One thousand and eighty-five hundredths (1000.85) feet from the Southwest corner thereof; thence South Eighty-nine (89) Degrees and Fifty-nine (59) Minutes East for Five hundred thirteen and ninety-six hundredths (513.96) feet; thence North Five and twenty-two hundred (5.22) feet; then North Eighty-nine (89) Degrees and Fifty-six (56) Minutes East for one and four hundredths (1.04) feet; thence North and parallel with the East line of said half quarter Section for Seven hundred eighty-six and twelve hundredths (786.12) feet to a point in the center of Theater Drive; thence North Sixty-six (66) Degrees West along said center line for Two and ninety-five hundredths (2.95) feet; thence North Sixty-eight (68) Degrees and Twenty and five tenths (20.5) Minutes West along said center line for Five hundred (500) feet; thence North Seventy (70) Degrees and Fifty-six and five tenths (56.5) Minutes West along said center line for Forty-nine and six hundredths (49.06) feet to a point on the West line of said half quarter Section; thence South Zero (0) Degrees Ten (10) Minutes and Thirty-five (35) Seconds West along said West line for Three hundred thirty-two and seventy-six hundredths (332.76) feet to an old stone on said West line; thence South Zero (0) Degrees One (1) Minute and Four (4) Seconds West along said West line for Six hundred sixty-two and fifty-five hundredths (662.55) feet to the place of beginning.

Containing Ten and sixty-one hundredths (10.61) Acres, more or less.

The above described real estate is subject to a right of way Twenty-five (25) feet wide off of the North side thereof for Theater Drive.

Subject to any legal highways, easements or rights of way.

